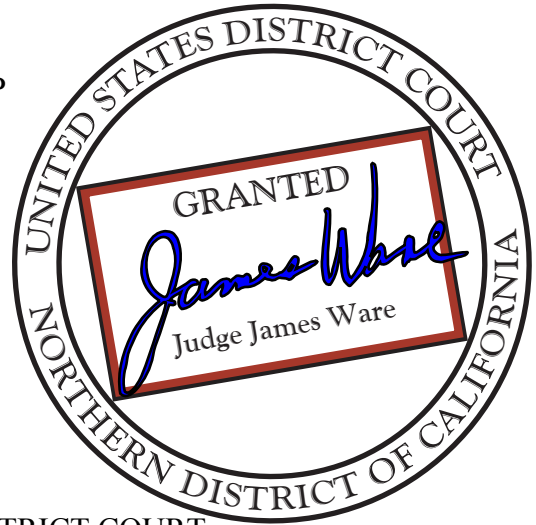


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5 Attorneys for CATERPILLAR INC.



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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CATERPILLAR INC., a Delaware
11 Corporation,

12 Plaintiff,

13 v.

14 RENN TRANSPORTATION COMPANY,
a California General Partnership, BRAD
15 RENN, GERALD RENN, PATRICIA
RENN, ANN RENN, and ROBERT
16 RENN, individuals, and DOES 1-10,

17 Defendant.

CASE NO. 5:06-CV-04529

**STIPULATION FOR FILING OF SECOND
AMENDED COMPLAINT**

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20 IT IS HEREBY STIPULATED by and between the parties hereto through their
21 respective attorneys of record that Plaintiff shall be entitled to file a Second Amended Complaint
22 ("SAC"). IT IS FURTHER STIPULATED that, in the event that Plaintiff files the SAC no later
23 than Friday, November 3, 2006, Defendants Renn Transportation Company, Brad Renn, Patricia
24 Renn, Ann Renn and Robert Renn shall have to and including Monday, November 20, 2006 to
25 file a response to the SAC; however, if Plaintiff does not file its SAC on or before Friday,
26 November 3, 2006, then Defendants Renn Transportation Company, Brad Renn, Patricia Renn,
27 Ann Renn and Robert Renn shall have 10 court days from the date of service of the SAC to file
28 and serve a response.

1 IT IS FURTHER STIPULATED that, in light of the foregoing, Defendants Renn
2 Transportation Company, Brad Renn, Patricia Renn, Ann Renn and Robert Renn need not
3 respond to Plaintiff's First Amended Complaint, filed October 4, 2006.

4
5 Dated: October 27, 2006

SEDGWICK, DETERT, MORAN & ARNOLD LLP

6
7 By: /s/ Tara L. Condon
8 Randall G. Block
9 Tara L. Condon
Attorneys for Plaintiff Caterpillar Inc.

10 Dated: October 27, 2006

FOLGER LEVIN & KAHN LLP

11
12 By: /s/ Matthew S. Mazza
13 Matthew S. Mazza
14 Attorneys for Defendants Renn Transportation
15 Company, Brad Renn, Patricia Renn, Ann Renn
16 and Robert Renn
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ATTESTATION OF SIGNATURE
(N.D. Cal. General Order No. 45)

I, Tara L. Condon, hereby attest that concurrence in the filing of the ***Stipulation for Filing Second Amended Complaint*** has been obtained from Matthew S. Mazza, attorney for Defendants Renn Transportation Company, Brad Renn, Patricia Renn, Ann Renn and Robert Renn.

Dated: October 27, 2006

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /s/ Tara L. Condon
Randall G. Block
Tara L. Condon
Attorneys for Plaintiff Caterpillar Inc.